

the United States, all the resources of the State of Indiana.

**Resolved**, That his excellency the Governor be requested to transmit a copy of these resolutions to each of our Senators and Representatives in Congress.

The joint resolution was read a first time and passed to a second reading.

Mr. Condit offered a joint resolution on the subject of the Cherokee land; passed to a second reading.

By Mr. Jones of Fountain, a bill for the relief of Milton Stapp; referred to a select committee.

By Mr. Robinson of D., a bill providing for issuing an execution to any county in the State; passed to a second reading.

By Mr. Swo, extending the time of holding the Probate court in Montgomery county; passed to a second reading.

By Mr. Blakemore, a bill to amend revised laws, in relation to collecting claims against persons owning boats, &c., on the waters of the State; passed to a second reading.

By Mr. Hester, to authorize the county Treasurer to apply certain revenue in D. K. county; passed to a second reading.

By Mr. Pettit, to authorize the county Board of Miami to do a certain act, settlement with estate; passed to a second reading.

By Mr. Matlock, a bill for the relief of the securities of William H. Darnell; read three times and passed.

By Mr. Blakemore, to enable certain persons to hold real estate; passed to a second reading.

On motion of Mr. Robinson of Carroll, the Senate were invited into the Hall, for the purpose of going into the election of Circuit Judges.

The Senate now came in, and in joint Convention, proceeded to the election of President Judges in the first, second, and third judicial circuits. Messrs. Hodges and Hostetter acting as tellers, on the part of the House, and Messrs. Ritzey and Davis on the part of the Senate.

The following is the result of the several balloting for President Judge of the first circuit, to-wit:

Daniel Moore	1st 21
Isaac Naylor	73 71
Thompson	18 63 27
Blank	1 1

Isaac Naylor having received a majority of the whole number of votes given was declared duly elected for seven years.

The two Houses then proceeded to the election of a President Judge of the second circuit.

John H. Thompson	1st 24 34
William T. Otto	32 50 27
John W. Payne	31 22 14
Blank	11 3 4
T. L. Smith	1 5 0

William T. Otto was declared duly elected.

Mr. Smith was not a candidate.

The two Houses then proceeded to the election of a President Judge of the third judicial Circuit. The following is the result:

Daniel Moore	1st 24 34
C. C. Cushing	67 65 61
George Holland	13 2 0
J. C. Eggleston	11 3 0
Byrd	12 4 1
M. Carty	2 0 0
Blank	1 0 1

Conrad C. Cushing was declared duly elected for seven years.

The Senate returned to their chamber.

Mr. Grubb offered several resolutions respecting the resolutions of the Senate, in relation to the death of the Hon. Noah Noble, former Governor of Indiana, which were unanimously adopted.

On motion the House adjourned until Friday morning.

**Friday, December 29, 1844.**

**SENATE.**

Mr. Edmundson moved to suspend the rules for the purpose of taking up a bill to incorporate the holding of a special election in Gibson county, which was taken up and passed.

**Petitions Presented.**

By Mr. Davis, of citizens of New Albany; Mr. Buell of D., from Jacob Hayes, referred to the committee on State Bank; Mr. Wood, of citizens of Randolph and Jay; by Messrs. Farmer, Moore, (a remonstrance), Berry, Dugan, and Bradbury, (of T. D. Noble and others), referred to the committee on the remonstrance of Mr. Moore, which was laid on the table.

**Reports of Committees.**

Mr. Rockhill, from the committee on elections, reported back, with amendment, a bill in relation to voters in Dearborn county. [The amendment specifically defines a voter's residence.]

Mr. Chapman of L., moved to lay the bill and amendment on the table, which was decided in the negative.

Mr. Pennington moved to refer it to the committee of the whole and make it the order of the day for tomorrow.

Mr. Read objected to such reference. He thought the question would be settled now.

Mr. Pennington hoped the reference would be made and the bill taken up by sections and disposed of.

The Senate went into the committee of the whole, the Presiding officer, if he saw proper, could make motions to amend and participate in debate.

Mr. Buell of D., moved to refer it to the Judiciary committee, with instructions to report tomorrow, and make the first section general.

Mr. Chapman of L., hoped it would not be referred to the committee of the whole. The question was important, and the Judiciary committee should examine the constitutionality. It was no use to enact laws that the judiciary would declare null and void. He was not prepared to say that the amendment was unconstitutional, but it was upon a subject that our constitution referred to. If the constitution gave residents, possessing certain qualifications, the right to vote, no legislation could take that right from them, by giving a different interpretation to the term residents. He hoped it would go to the Judiciary committee, so that the constitutionality of the measure might be investigated, and then he was prepared to act upon it.

Mr. Pennington disagreed with the Senator who had just taken his seat. The gentleman had given reasons, which, if rightly considered, should convince him that it ought to be referred to the committee of the whole. When he looked around and reflected that all the learned lawyers of the Senate would have an opportunity to participate in the proceedings when it was referred to the committee of the whole, he could not see what objection could be made to such a reference. He thought that the Senate should go into committee of the whole on all important questions like this, and give the President of the Senate an opportunity to participate in the proceedings.

Mr. Rockhill expressed a willingness to have it referred to the Judiciary committee.

Mr. Read said if the President of the Senate wished to participate in the matter he would withdraw all opposition to having it referred to the committee of the whole, otherwise he should insist on having the question settled at once.

Mr. Davis desired the amendment defining the residence of a voter more indefinite than the present law upon the subject. He should vote for the motion of his venerable friend from Harrison.

The question to refer it to the committee of the whole was decided in the negative.

It was then referred to the Judiciary committee.

On motion of Mr. Morgan of D., the committee were instructed to make such other alterations as they saw proper.

**Reports of Committees.**

Mr. Stanford, from the committee on Education, reported against the expediency of appropriating a part of the \$300,000 of Brown county for the benefit of an orphan and poor asylum, which was concurred in.

Mr. Otto, from the committee on Military Affairs, reported a bill to revive the military spirit of Indiana, which passed to a second reading.

Mr. Buell of D., from the committee on the State Bank, made a report in relation to the suspended bill of the Bedford Branch, recommending a withdrawal of the State capital in said branch. [Mr. Burke dissented from the report.] Several members of the committee were absent when the report was made.

On motion of Mr. Morgan of D., it was laid on the table.

**Resolutions.**

By Mr. Read, as to the propriety of repealing all laws creating Bank districts except those districts where banks have been located, which was adopted.

By Mr. Parks, as to the time of convening and making their division of the interest arising from the surplus revenue, &c., which was adopted.

By Mr. Otto, that the committee on the State Bank enquire into the expediency of restricting and prohibiting the circulation of any note of a less denomination than \$10, which was adopted.

The resolution fixing the time for the election of a U. S. Senator came up.

Mr. Read moved to postpone the consideration of the resolution to the 30th inst.

Mr. Otto said, we were told by the democrats that we were to have a bill for the relief of the subject of the election of U. S. Senator.

Mr. Vandever supported the resolution as consistent with the benevolence and humanity of the age in which we lived. He opposed the amendment, believing the committee, to which the subject is to be referred, would place proper guards in the bill.

Mr. Colins moved to amend the amendment, so as to furnish them with more means, to commit more depredations upon the State.

Mr. Hambrick opposed both the bill and the amendment. That immediate employment could be obtained, at the point where our prison is located.

Mr. Howard came from the town where the prison is located. They are not furnished with clothes when they are set at liberty that are proper to be worn, consisting of ring-streaked and speckled garments. The inhabitants of the town, where the prison is located, will not employ convicts. They have scarcely any clothing at the expiration of the term of service, when they have no money to purchase; and, in many instances are entirely destitute of money to go away, unless the benevolence of the citizens furnish it. He said himself furnished such means. All men who commit offences, either against God or man are unfortunate, and the spirit of humanity should prompt us to have some regard for the unfortunate convict in prison. It being located on the border of the State, the authorities of the State have not the advantage of a personal observation, hence he hoped that this subject should receive the investigation of the committee.

Mr. Hambrick, who had previously withdrawn the motion to lay on the table, renewed it which motion did not prevail, ayes 24, noes 65.

Mr. Hambrick's amendment was withdrawn.

Mr. Will's amendment was adopted.

Mr. Forceman moved to amend, so as to furnish sufficient means to enable convicts to return home.

Mr. Parker moved the previous question; which being sustained, the resolution was adopted, ayes 58, noes 24.

Mr. Huey offered a resolution, as to the propriety of exempting one hundred and twenty-five dollars of personal property from taxation, which was not adopted.

Mr. Wright offered a resolution that if the committee on the State Prison report in favor of furnishing convicts with clothing, &c., that the expense be defrayed by the counties sending prisoners.

Mr. Hodges moved to amend the amendment, so that the proceeds of the labor of convicts be awarded to the counties sending them, which amendment was not adopted. The resolution was not adopted.

By Mr. Stivers, moved to amend, so as to modify or alterations in our civil laws, as the good of the country may require; which was lost.

Mr. Wright of Switzerland, presented a bill repealing the act providing for the reception of Canal Scrap for tolls on the Wabash and Erie Canal; passed to a second reading.

By Mr. Hardin, a bill to amend the revised laws, in relation to the opening of county roads, to open the same to any width that the public convenience requires; read twice and referred.

By Mr. Stapp, relating to a contractor (J. R. Morehead) on the Madison and Indianapolis Railroad; read twice and referred.

By Mr. Bradley, a bill in relation to justices and other officers in Laporte county; passed to a second reading.

By Mr. Ross, a bill authorizing the election of county auditor in Clay county; passed to a second reading.

By Mr. Jones of Fountain, to amend revised laws, in relation to public printing; passed to a second reading.

By Mr. Darrow, for the change of water power, &c., passed to a second reading.

By Mr. Condit, a bill fixing a certain annual compensation to auditor of Hamilton (\$2000); passed to a second reading.

By Mr. Shively, for the relief of Henry Pierce; read twice and referred.

By Mr. Tingley, a bill providing for the distribution of the bank tax fund, school fund, Indianapolis fund, &c., for the benefit of education, amounting in the whole to \$80,000 to \$70,000 to be divided among the counties; read twice and referred to the committee on education.

By Mr. Stapp, a bill to encourage manufactures—being a general bill of incorporation, for manufacturing establishments, which any five or more persons may take the benefit of, in forming themselves into an association for manufacturing purposes; read twice and referred, and one hundred copies ordered to be printed.

By Mr. Blakemore, a bill to legalize certain proceedings in the Probate Courts of Carroll county; passed to a second reading.

By Mr. Hardy, a bill for fixing the times of holding Courts in the fifth judicial Circuit; read twice and referred.

By Mr. Stapp, a bill relating to the selling of docks, &c., for religious and educational societies; read twice and referred.

On motion of Mr. Pettit, the bill for the restoration of the burnt records of Miami county was taken from the table; and a protracted discussion ensued, in which Messrs. Blakemore, Pettit, Gregory, Simmons, Tingley and Bradley participated. Mr. Pettit advocated the bill requiring the day to be performed by the President Judge, as the most economical and better calculated to subvert the ends of justice—that it would prevent the excitement and ill feeling, growing out of a special election of a commissioner, and save to the county, in the item of loss of time to the people, in holding said election, more than the whole expense of reinstating the records. He claimed to be the immediate representative of the people of Miami, to carry out his duties in this position, and clearly expressed, that any expression which should operate on their representative in the other end of the capital, who desires the records to be reinstated, is a different manner.

Before any question was taken, the House adjourned.

**AFTERNOON SESSION.**

The House resumed the consideration of the bill in relation to the burnt records of Miami county.

Mr. Tingley moved to amend, so that the compensation of the Judges shall be paid out of the county treasury.

Mr. Wright of Switzerland moved to amend, so that the county board shall determine the amount of compensation to be paid the President Judge; which was adopted.

The amendment was adopted.

Mr. Huey moved to reconsider the bill, with instructions to amend, so that a commissioner to reinstate the records, at the expense of persons having records to reinstate shall be elected by the people.

After some able and eloquent remarks from Mr. Pettit, Mr. Huey withdrew his amendment.

Mr. Parker moved to commit with instructions to strike out the bill from the amending clause, providing for the election of a commissioner, &c.

A division of the question being called, the question was taken on committing, and decided in the negative, ayes 34, noes 57—nearly a party vote, some of the Whigs voting with the Democrats against committing.

The question was then being, Shall the bill be engrossed.

Mr. Blakemore moved that the bill be laid on the table; which motion did not prevail, ayes 41, noes 50—nearly a party vote, as above.

The bill was then ordered to be engrossed for a third reading by a vote of ayes 41, noes 33.

The House again proceeded to the consideration of the bill for the relief of Abigail C. Hovey and Lorenzo D. Hovey, in relation to the possession of Caroline Morris—the question being on the passage of the bill. The question being put, Shall the bill pass? It was decided in the affirmative, ayes 53, noes 30.

Mr. Bradley moved to reconsider the vote on the passage of the bill.

After considerable discussion, in which Messrs. Robinson of C., Tingley, Robinson of D., and others participated, the question was taken on reconsidering the vote and decided in the negative, ayes 34, noes 53. On motion, the House adjourned.

**HOUSE OF REPRESENTATIVES.**

Petitions, &c. were presented by Messrs. Anthony, Endicot, (for the removal of the seat of justice of Posey), Sullivan, Nimmon, Barclay, Pettit, Vandever, (for relief), Peck, (for a change of county seat), Hambrick, Bell, Myers, Ford, Robinson of Carroll, (for a bill to amend the revised laws), (also a bill for the relief of Wm. H. Darnell, Hackberry, (for a bill for the relief of Wm. H. Darnell), and a bill for the incorporation of the American Canal Coal Company, in relation to sale of spiritous liquors; read and referred to which were appropriately disposed of.

Mr. Leslie moved a bill to amend the law relative to licenses to vend clocks; passed to a second reading.

By Mr. Pettit, a bill in relation to prosecuting attorneys, providing for an election of one for each county; passed to a second reading. By Mr. Myers, a bill for the relief of Robert Harrison; passed to a second reading.

Mr. Lanius offered a resolution asking information of auditor, in relation to Bank tax; adopted.

By Mr. Colins, as to the expediency of the State Bank being authorized to issue one million of dollars in one and two dollar bills, during the continuance of its charter.

Mr. Wright moved to lay it on the table; which motion prevailed, ayes 50, noes 40.

The bill to amend the act providing for the loaning of the school funds of Vigo county was read a third time and passed.

Mr. Leslie offered a resolution as to the expediency of furnishing prisoners discharged from prison with a competency of money and clothing, until they can obtain some honest employment.

Mr. Leslie said, that many cases arise on the discharge of prisoners, that to supply their wants, they commit thefts, which would be avoided by a course of this kind.

Mr. Wills contended that the resolution was too indefinite. He therefore moved to amend, so that pro-

vision should be made for one week's sustenance. He conceived this a sufficient time for those disposed to seek honest employment.

Mr. Vandever supported the resolution as consistent with the benevolence and humanity of the age in which we lived. He opposed the amendment, believing the committee, to which the subject is to be referred, would place proper guards in the bill.

Mr. Colins moved to amend the amendment, so as to furnish them with more means, to commit more depredations upon the State.

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